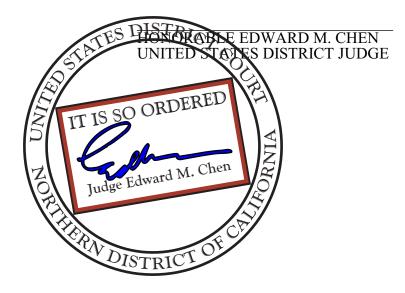
	1				
1	MELINDA HAAG (CABN 132612) United States Attorney				
2	MIRANDA KANE (CABN 150630) Chief, Criminal Division				
<b>4</b> 5	KYLE F. WALDINGER (ILBN 623830 Assistant United States Attorney 450 Golden Gate Avenue, 11 <sup>th</sup> Floo	Ź			
6 7	San Francisco, California 94102 Telephone: (415) 436-6830 Facsimile: (415) 436-7234 E-mail: kyle.waldinger@usdoj.gov				
8	Attorneys for Plaintiff				
9	UNITED STATES DISTRICT COURT				
10	NORTHERN DISTRICT OF CALIFORNIA				
11 12	SAN FRANCISCO DIVISION				
13	UNITED STATES OF AMERICA,	)	No. CR 07-0568 EMC		
14	Plaintiff,	{	PARTIES' JOINT REQUEST TO CONTINUE	E	
15	v. MARK JACOBSON,		STATUS HEARING DATE AND SET SENTENCING DATE AND [PROPOSED]	L	
16		{	ORDER	THE [THOTOGED]	
17	Defendant.				
18	It is hereby stipulated by and be	tween co	counsel for the United States, Assistant U.S.		
19	Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas F. Carlucci, that				
20	subject to the Court's approval, the status hearing presently set for June 26, 2013 be continued				
21	and set for a sentencing hearing on October 30, 2013 at 2:30 p.m. The United States has learned				
22	from the Court's publicly posted availability information that the Court is available on that date.				
23	The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24,				
24	2007 to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets,				
25	gain unauthorized access to a protected computer, exceed authorized access to a protected				
26	computer, and traffic in a password allowing unauthorized access to a protected computer, in				
27	violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the Probation Office for				
28	a presentence report. The plea agreement also includes standard terms of cooperation.				
	JOINT REQ. & [PROPOSED] ORDER CR 07-0568 EMC	Ł			

1	The parties jointly request that the hearing on June 26, 2013 be continued for a sentencing			
2	hearing on October 30, 2013 at 2:30 p.m. As the Court is aware, Mr. Jacobson testified in April			
3	2013 in the trial of the defendant David Nosal in case number CR 08-0237 EMC. The defendant			
4	Nosal's sentencing hearing is scheduled for September 4, 2013. The parties jointly request that			
5	Mr. Jacobson's sentencing date be scheduled for October 30, 2013 in order to provide the			
6	government sufficient time to fully assess the value of his cooperation with the government			
7	following the Nosal sentencing. In addition, it is possible that Mr. Jacobson may provide			
8	additional cooperation with respect to the Nosal sentencing.			
9	For all of these reasons, the parties jointly request that this Court vacate the hearing			
10	presently set for June 26, 2013 and set a sentencing hearing for October 30, 2013 at 2:30 p.m. In			
11	addition, the parties jointly request that the due dates for the presentence report be calculated			
12	using the new sentencing date.			
13	SO STIPULATED.			
14				
15	Dated: May 30, 2013  MELINDA HAAG			
16	United States Attorney			
17	/-/			
18	KYLE F. WALDINGER			
19	Assistant United States Attorney			
20				
21	Dated: May 30, 2013 /s/ THOMAS F. CARLUCCI			
22	Attorney for defendant Mark Jacobson			
23				
24				
25	[PROPOSED] O R D E R			
26	GOOD CAUSE APPEARING,			
27	IT IS ORDERED that the hearing presently set for June 26, 2013 is vacated. The parties			
28	are ordered to appear for a sentencing hearing on October 30, 2013, at 2:30 p.m. The final			
	JOINT REQ. & [PROPOSED] ORDER CR 07-0568 EMC -2-			

presentence report should be disclosed two weeks prior to the sentencing date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_\_, 2013.



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